

Memorandum

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Exec AD Adm. _____
Exec AD Inv. _____
Exec AD LES _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Insp. _____
Intell. _____
Lab. _____
Legal Coun. _____
Off. Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

To :

[Redacted]

Date 4/15/87 b6
b7C

From :

[Redacted]

Subject :

[Redacted] (S)

DATE: 04-30-2007
CLASSIFIED BY 60324 AUC/BAW/LSC
REASON: 1.4 (C)
DECLASSIFY ON: 04-30-2032

This communication is classified "~~Secret~~" in its entirety

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PURPOSE:

(S)

RECOMMENDATION:

None. For Information.

APPROVED

Director _____
Exec AD-Adm. _____
Exec AD-Inv _____
Exec AD-LES _____

Adm. Servs. _____
Crim. Inv. _____
Laboratory _____
Legal Coun. _____
Off. of Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____

DETAILS:

(S)

Ronald W. Perton, who, on December 16, 1986, was sentenced to three concurrent life sentences for espionage and a 10-year sentence for unlawful disclosure of classified information, to run concurrent with the life sentences.

1 [Redacted]
1 [Redacted]
1 [Redacted] (Special Staff)
1 [Redacted]

CTM:ac/z (S)

22 MAY 20 1987

(CONTINUED-OVER)

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FOI/PA # 332,550
APPEAL # _____
CIVIL ACT. # _____
E.O. # 12356
DATE 8-13-90 INITIALS [Signature]

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Classified by: G-3
Declassify on: OADR

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Memorandum to [REDACTED]

RE: [REDACTED]

from [REDACTED]

DETAILS: (Continued)

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Pelton was incarcerated at Lewisburg Pennsylvania Federal Penitentiary. ~~(S)~~

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Memorandum to [REDACTED]

RE: [REDACTED]

from [REDACTED]

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DETAILS: (Continued)

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Me
RE

from

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DETAILS: (Continued)

(S)

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Memorandum to

RE:

[Redacted]

[Redacted]

from

[Redacted]

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DETAILS: (Continued)

[Large Redacted Area]

(S)

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- 5 -

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DATE: 04-30-2007
CLASSIFIED BY 60324 AUC/BAW/LSG
REASON: 1.4 (C)
DECLASSIFY ON: 04-30-2032

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FEDERAL GOVERNMENT

~~SECRET~~

Mr. William F. Weld
Assistant Attorney General
Criminal Division

April 16, 1987

James H. Geer
Assistant Director in Charge
Intelligence Division

✓ RONALD WILLIAM PELTON

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This communication is classified "~~Secret~~" ~~in its entirety~~.

On December 16, 1986, Ronald William Pelton, a former employee of the National Security Agency (NSA), was sentenced to three concurrent life sentences for espionage and a 10-year sentence for unlawful disclosure of classified information to run concurrent with the life sentences. After sentencing, Pelton was incarcerated at Lewisburg Federal Penitentiary, where he remains today.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

(S)

(S)

Exec _____
Exec _____
Exec _____
Asst. _____
Adm. _____
Crim. _____
Ident. _____
Intell. _____
Lab. _____
Legal Coun. _____
Off. Cong. & _____
Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☐

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Classified by G-3
Declassify on: OADR

SEE NOTE PAGE THREE

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Mr. William F. Weld
Assistant Attorney General

(S)

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~~SECRET~~

Mr. William F. Weld
Assistant Attorney General

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(S)

The foregoing results of this investigation are furnished for information and any action your office deems necessary.

Further inquiries regarding this matter should be directed to the attention of Supervisory Special Agent [redacted] Intelligence Division, CI-1C Unit, secure phone extension [redacted]

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This matter has been coordinated with Juan Marrero, USDOJ, and [redacted] INTD, Special Staff.

This information will be used by DOJ to present to the Bureau of Prisons as a basis for the request to transfer Pelton to an institution with a ~~APPROVED~~ level of security.

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Director _____
Exec. AD-Adm. _____
Exec. AD-Inv _____
Exec. AD-LES _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun _____
Off. of Cong. & Public Affs. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____

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- 3 -

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6/12/90

Director Sessions:

Re: RONALD WILLIAM PELTON
ESPIONAGE-SOVIET UNION
OO: BALTIMORE

This document is classified "~~SECRET~~" in its entirety.

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By routing slip, dated 4/20/90, [redacted] of your staff advised that you had asked whether the PIOB needs to be informed of the circumstances surrounding the espionage investigation of PELTON as explained by Assistant Director (AD) Gow in his 4/19/90 note to you. As you know, Section 4 of Executive Order (EO) 12334 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the AD, Inspection Division and AD, LCD, respectively) report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." In addition, Section 4 has been interpreted to mandate reporting to the PIOB of investigative activity which is contrary to any provision of the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCI Guidelines) which was designed in full or in part to insure the protection of individual rights.

Upon a review of the material which [redacted] provided, including AD Gow's 4/19/90 note, I have no reason to believe that the undercover activity described by AD Gow was contrary to the FCI Guidelines. Based on the facts as presented, the undercover guidelines for FCI and international terrorism investigations, specifically Section 0-4.2.1(3) of the FCI Manual, which officials of INTD reasonably concluded was applicable, did not require FBIHQ approval for that activity. Accordingly, I do not believe that the PIOB needs to be informed

4-ENCLOSURE

1 - Legal Research Unit

1 - [redacted]

AB:llk (3)

DECLASSIFIED BY SP-6 BJA/PSK
ON 9/13/94

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Classified by: G-3
Declassify on: OADR

Director
received on
6/18/90
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9. [redacted]

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of this situation. I also understand that officials of the Special Staff of the Intelligence Division have briefed staff members of the Senate Select Committee on Intelligence regarding this matter.



[Handwritten signature]

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CLASSIFIED INFORMATION ENCLOSED

ALL INFORMATION CONTAINED ON THIS
ENVELOPE IS UNCLASSIFIED

DATE 11/11/01 BY SP6EML/px

[illegible]

From:
Room 7162, T1# 214

Phone: Date: 4/20/90

Remarks: The Director asked,
"Does the PIOB need to
be informed?"

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/13/94 BY SP-6 BJA/PSK

FBI DOJ

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THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

Legal Defense
Fund

First Amendment
Clearing House

FOI Service
Center

Estab. 1970

Suite 504 • 1735 Eye Street, N.W. • Washington, D.C. 20006 • Tel. (202) 466-6313

March 12, 1990

Mr. Emil Moschella
Freedom of Information Act Officer
Federal Bureau of Investigation
Room 6296
9th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 9/13/94 BY SP-6 BJA/PSK
332550

Dear Mr. Moschella:

Pursuant to the Freedom of Information Act, I request all records concerning the March or April 1987 contact of Ronald Pelton, a prisoner at the federal facility in Lewisburg, Pennsylvania, by an individual representing the FBI who posed as a representative of Don Devereux, a freelance reporter in Phoenix, Arizona, and the Scottsdale Progress,

My request includes, but is not limited to, records of a Special Agent in Charge's written request to establish, extend or renew an undercover operation involving the impersonation of a representative of Mr. Devereux in gaining access to Mr. Pelton; records showing the U.S. Attorney or Strike Force Chief was knowledgeable about the operation; records advising the Undercover Operations Review Committee of the operation and records created by the committee in any deliberations it may have had involving the contact of Mr. Pelton or its proposal; and communications to or from the SAC, the Director of the FBI, any Assistant Director, the Undercover Operations Review Committee; Assistant Attorney General, and the Attorney General involving the undercover interview of Mr. Pelton.

I also request any records assessing the operation that were created by any of the above officials or any other officials involved in or knowledgeable about it.

Steering Committee

WASHINGTON

Hodding Carter
*Main Street
Ed Fouhy
*Concord
Communications Group
Sara Fritz
*Los Angeles Times
Hays Gorey
*Time Magazine
Albert Hunt
*Wall Street Journal
Jack C. Landau
*Newhouse Newspapers

Tony Mauro

*USA Today
Jack Nelson
*Los Angeles Times
David Rosenbaum
*New York Times
Cristine Russell
*Washington Post
Bernard Shaw
*CNN
Phillip Taubman
*New York Times
Linda Wertheimer
*National Public Radio
Bob Woodward
*Washington Post
Clemens P. Work
*U.S. News & World Report

NEW YORK

Tom Brokaw
*NBC News
Earl Caldwell
*New York Daily News
Diane Camper
*New York Times
John Chancellor
*NBC News
Walter Cronkite
*CBS News
Nat Hentoff
*The Village Voice
Peter Jennings
*ABC News
Dan Rather
*CBS News

AUSTIN

John C. Henry
*American Statesman
CHICAGO
Mike Royko
*Chicago Tribune
DALLAS
Jack Taylor
*Times Herald
JACKSON, MS
Wilson F. Minor
*Factual Reporting Service
MIAMI
Gene Miller
*Miami Herald

NASHVILLE

Fred Graham
*Freelance
NEPTUNE, NJ
Gary Deckelnick
*Asbury Park Press
Ex-Officio
Jane E. Kirtley
Executive Director

*Identification purposes only

Page Two Mr. Moschella

Under guidelines issued to the public on January 5, 1981, a Special Agent in Charge may not, under B(h), authorize an undercover operation involving an undercover employee or cooperating private individual who poses as a member of the news media where there is a significant risk that another individual will be led into a confidential relationship as a result of the pose unless certain procedural guidelines are followed. My request includes, but is not limited to, all records documenting adherence to those guidelines.

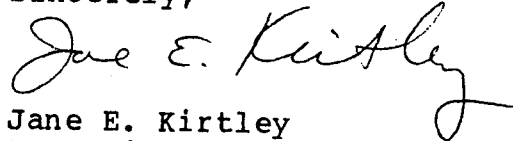
If those guidelines have been superseded, I request a copy of the superseding guidelines and all records created in adherence to the superseding guidelines.

The enclosed article from the January 26, 1990, confirms the approach to Pelton.

As a representative of the news media, the Reporters Committee is entitled to waiver of search fees and of 100 pages of copying costs. The Reporters Committee regularly covers the relationships of the federal government to the media in its quarterly journal The NEWS Media & The LAW and in its other publications.

Should my request result in more than 100 pages, I request that fees be waived because the information would contribute significantly to public understanding of government operations and activities and is not in my commercial interest.

Sincerely,



Jane E. Kirtley
Executive Director

~~SECRET~~

April 19, 1990

Director Sessions:

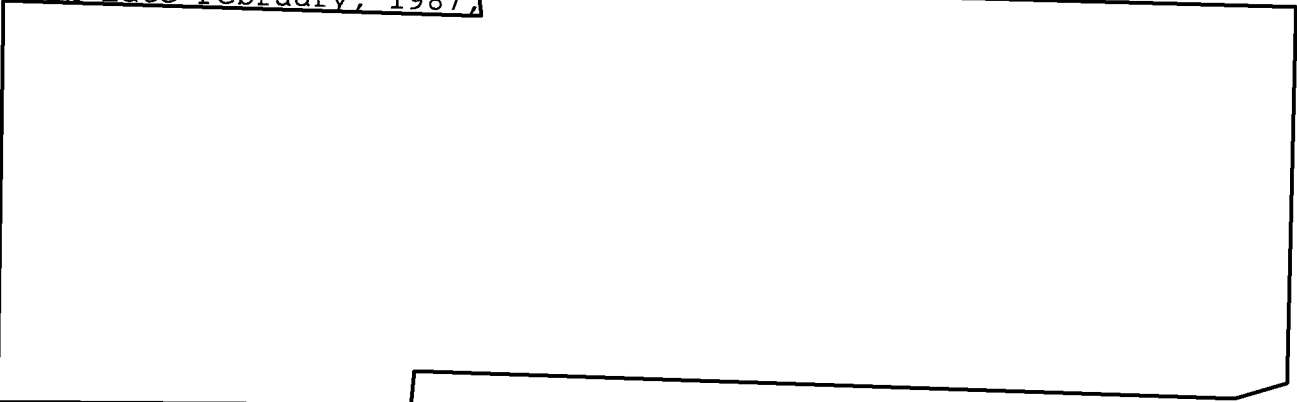
RE: RONALD WILLIAM PELTON
ESPIONAGE - SOVIET UNION
OO: BALTIMORE

~~This document is classified "Secret" unless otherwise~~
~~noted.~~

On March 12, 1990, Jane E. Kirtley, of the Reporters Committee for Freedom of the Press, submitted a Freedom of Information Act request to FBIHQ, requesting all records pertaining to an undercover operation mounted by the FBI against the subject while he was incarcerated at the Federal correction facility in Lewisburg, Pennsylvania.

For your information, an investigation was initiated in late February, 1987,

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 made himself available for interviews by the FBI

DECLASSIFIED BY SP-6 BJA/PSK
ON 9/13/94

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Classified by: G-3
Declassify on: OADR

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RE: RONALD WILLIAM PELTON

[REDACTED]

Information provided [REDACTED] was coordinated with the appropriate Assistant United States Attorneys in Baltimore Division, beginning on March 4, and later, in the Philadelphia Division as well.

On April 3, 1987, Pelton was met by an undercover FBI Special Agent (UCA) at the prison with the concurrence of the Department of Justice, Internal Security Section, Criminal Division, and the Assistant United States Attorney, Middle District of Pennsylvania. [REDACTED]

The UCA gave no specific introduction to Pelton but implied she and [REDACTED] were friends. The UCA advised Pelton at the outset that she was not an attorney. [REDACTED]

The SA was then able to obtain, through consensually monitored conversations with Pelton, highly classified information that Pelton was attempting to leak to the media. Based on Pelton's statements during this and a second undercover meeting, an agreement was worked out between the United States Department of Justice and Pelton's attorney whereby Pelton agreed to sign a non-disclosure agreement in lieu of additional prosecution.

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In her request, Ms. Kirtly was particularly interested in documents which establish whether the investigation was conducted in compliance with the Attorney General's Guidelines on undercover operations. The pertinent provision of those guidelines referred to by Ms. Kirtly provide that, absent an emergency, only FBIHQ can initiate an undercover action involving an undercover SA as a member of the news media, or an attorney, where there is a related risk of misplaced confidence. However, this investigation was conducted as an extension of an espionage investigation, and therefore conducted pursuant to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG), and the FCI Manual [REDACTED]

[REDACTED]

The FCIG and the FCIM make no

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RE: RONALD WILLIAM PELTON

distinction for SAs who pose as attorneys or members of the media. Furthermore, the Attorney General's Guidelines on FBI Undercover Operations delimits itself solely to "domestic law enforcement" matters under Section III (1) of those Guidelines.

The FBI Congressional Affairs Office has advised that the Senate Select Committee on Intelligence has also made inquiry regarding this matter to the Attorney General.

Pelton's appeal was denied in May of 1988, and the FBI espionage investigation of Pelton is now closed.

W. D. Gow *W.D.G.*

*USS
4/20*

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SECTION O. FOREIGN COUNTERINTELLIGENCE (FCI) INVESTIGATIONS

0-4.2.1 Undercover Operations

(1) An undercover operation is defined as: A Special Agent or FBI support employee engaged in a relationship with the target of a counterintelligence investigation where the contact is expected to continue over a period of time and where FBI employment is concealed.

(2) Included within this definition is an operation wherein the Undercover Special Agent uses his/her true name but conceals his/her relationship with the FBI;

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ALL INFORMATION CONTAINED

0-4.3 General Principles

(1) Undercover operations may only be employed in cases where a Full Investigation has been authorized pursuant to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (FCIG).

DATE: 04-30-2007
CLASSIFIED BY 60324 auc/baw/lsg
REASON: 1.4 (c)
DECLASSIFY ON: 04-30-2032

14.06
5/11/88

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FCIM

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9/13/84
Classified by
Declassify on